

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF NEW YORK

LOUIS J. CIOFFI, III,

Plaintiff,

- against -

AVERILL PARK CENTRAL SCHOOL DISTRICT
BOARD OF EDUCATION and AVERILL PARK
HIGH SCHOOL and AVERILL PARK
CENTRAL SCHOOL DISTRICT,

Defendants.

DEPOSITION of JOHN SLYER, conducted
pursuant to Notice on Wednesday, March 4, 2004, at
9:00 a.m., at the law offices of Cooper, Erving &
Savage, LLP, 39 North Pearl Street, Albany, New York,
before Marcia Ross, Court Reporter and Notary Public
in and for the State of New York.

* * *

COPY

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17 BY: JASON L. SHAW, ESQ.

18 ALSO IN ATTENDANCE:

19 LOUIS J. CIOFFI, III, ESQ.

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22
23

I N D E X

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STIPULATIONS

2

3 It is hereby stipulated and agreed
4 by and between the attorneys for the respective
5 parties hereto that the signing and filing of
6 the Notary's Oath be waived;

7

8 That the formal filing of the
9 transcript of testimony with the Clerk of the
10 Court be waived;

10

11 That the examining party will
12 furnish the party examined with one copy of the
13 transcript without cost or charge;

13

14 That all objections to questions
15 except as to the form thereof are specifically
16 reserved to the time of trial;

16

17 That the testimony, when
18 transcribed, may be read by the deponent and
19 sworn to before any Notary Public or other
20 officer authorized to administer oaths.

21

22

23

1 JOHN SLYER,

2 after having been first duly sworn by the Notary
3 Public, was examined and testified as follows:

4 EXAMINATION BY MR. STECK:

5 Q. Mr. Slyer, can you give us your educational
6 background?

7 A. I have a Mater's degree in Educational
8 Psychology and Statistics and I have a Bachelor's
9 degree in Biology and a certificate to teach secondary
10 education. I also have an Associate's degree in
11 Liberal Arts from Hudson Valley and I have done quite
12 a bit of work with summer camp programs and have been
13 educated through other avenues, like the Red Cross and
14 American Camping Association in many different
15 respects.

16 Q. Where did you get your undergraduate degree?

17 A. Siena College.

18 Q. And your Master's?

19 A. SUNY Albany.

20 Q. And are you presently employed?

21 A. Yes, I am.

22 Q. Where are you employed?

23 A. North Colonie School District.

(John Slyer)

6

1 Q. Are you employed as a teacher there?

2 A. Yes, I am.

3 Q. What do you teach?

4 A. I teach seventh grade Life Science.

5 Q. Do you do any coaching there as well?

6 A. Currently I am not coaching.

7 Q. Have you in the past?

8 A. I have assisted in coaching the swim team
9 and I have coached modified swimming at Bethlehem.

10 Q. There came a time when you became a member
11 of the Board of Education of the Averill Park Central
12 School District; is that correct?

13 A. Yes.

14 Q. When did you first run for the Board?

15 A. Let's see. That would be 2001, and it could
16 have been -- I started running in April 2001.

17 Q. Was that the first time you ran for the
18 Board?

19 A. Yes.

20 Q. You were elected. Then when did you take
21 office?

22 A. I took office in July of 2001.

23 Q. When you were on the Board -- Well, let's

(John Slyer)

7

1 limit my questions to the time period from when you
2 took office as a Board member until the time that Lou
3 Cioffi's position was eliminated, as it were; okay?

4 A. Yes.

5 Q. Was there any discussion during the time
6 that you were on the Board during that period of any
7 criticisms of the football coach Kevin Earl?

8 A. Yes.

9 Q. What discussions do you recall?

10 A. There were several discussions.

11 MR. SHAW: Give him a timeframe.

12 MR. STECK: It is hard for me to do
13 that because I don't know what went on at
14 the Board meetings.

15 BY MR. STECK:

16 Q. Let's start with what the first discussion
17 you remember was after you came on the Board and
18 continue until you have completed your recollection,
19 and I will do some follow through.

20 A. Okay. In June, maybe even late May of 2001,
21 as an elected Board member they bring you in before
22 you take on your Board responsibilities. So in May
23 and June I was in Board meetings and Executive

(John Slyer)

8

1 Sessions. And the topic of the football coach and a
2 number of the different types of activities that had
3 occurred in the realm of coaching football involving
4 kids, some things about, you know, steroid use and
5 some other things related to the weight room and a
6 number of things -- and I can't recall all of the
7 details of it -- I haven't gone through and read back
8 my information. But there were several discussions
9 about this and how there had been some disagreement as
10 to how to handle it.

11 That disagreement had come because Mr.
12 Cioffi had asked for some action and apparently there
13 wasn't any. And so what was brought to my attention
14 at that time was that Mr. Cioffi would no longer be
15 responsible for supervising this coach. And as a new
16 Board member I was trying to understand that, and I
17 asked the question how can you take the responsibility
18 away from the athletic director to supervise only one
19 of his folks -- one of his coaches, and wouldn't that
20 undermine his authority.

21 So that discussion went on. And people were
22 saying well, it is no longer in his hands if there are
23 anymore problems. Then the superintendent took on

(John Slyer)

9

1 that responsibility of supervising this coach.

2 Q. Did the superintendent attend the meetings
3 at which this was discussed?

4 A. He was there, yes.

5 Q. Do you remember who was speaking about the
6 superintendent being the one who would be supervising
7 Mr. Earl?

8 A. The superintendent was. He is the one who
9 presented that. And that was why my argument was that
10 this is not -- I didn't think it was an appropriate
11 chain of command.

12 Q. When they made that presentation, did they
13 indicate a disagreement with the way Mr. Cioffi was
14 handling the Earl matter?

15 A. At this time I don't recall the specifics of
16 that, but I would say there were members of the Board
17 that were critical of Mr. Cioffi, and, who, if it were
18 in their hands, would have liked to eliminate things
19 even early on then.

20 Q. You mean eliminate what things?

21 A. Eliminate the problems and change -- if they
22 didn't -- My impression was that they would have
23 chosen to end the dispute by eliminating both parties

(John Slyer)

10

1 if they could, but it didn't appear that they could.

2 Q. So, in other words, eliminate both Mr.
3 Cioffi and Mr. Earl from the picture?

4 A. Yeah. And I don't know that they -- at that
5 point in time they didn't seem to have any real plan
6 to do that. They were just initially indicating that
7 they were going to stop the problem by taking Mr.
8 Earl's supervision away from Mr. Cioffi. And the
9 reason why I recall this is because I thought this was
10 just going to undermine the chain of command.

11 Q. Did there come a time when Board members
12 decided to take action to resolve this problem?

13 MR. SHAW: Object to the form.

14 You can answer.

15 A. Yes.

16 Q. And why don't you describe how that came
17 about?

18 A. As I recall, in October the question of
19 leadership within the athletic department started to
20 become in question. And simultaneously -- and that
21 was coming into question by Board members, Board
22 leadership, in particular. President and
23 Vice-president. And it also was coming in from the

(John Slyer)

11

1 Assistant Superintendent, Jo Moccia and also Dr.
2 Johnson in that there was no leadership or there was a
3 lack of leadership in that area.

4 Interestingly that was around the same time
5 that it appears that some of the things that Mr.
6 Cioffi may have been critical with them about the new
7 events had been occurring.

8 Q. Are you referring to the hazing?

9 A. Yes.

10 Q. Okay.

11 A. And at that time it seemed to me that there
12 was already -- there were wheels in motion that were
13 starting to question his leadership ability within the
14 athletic department.

15 Q. Which were the Board members who were
16 critical of Mr. Cioffi's leadership?

17 A. Tom McGreevy, Erin Loffredo, Jennie Glasser.
18 You know, it is funny, because some of them kind of
19 just joined in on it. It was like mob mentality, I
20 think. But I think there were numbers of them that
21 were; others were as well. The ones that were not
22 specifically critical of the leadership would be
23 myself and Neil Bonesteel. The others were all either

(John Slyer)

12

1 ambivalent or kind of went along with it.

2 Q. Did they at any point in time, in connection
3 with Mr. Cioffi's alleged lack of leadership in the
4 athletic department, express the view that he should
5 in some fashion lose his position as athletic
6 director?

7 A. Yes.

8 MR. SHAW: Can we take a short
9 break. I just want to talk to Mr. Slyer for
10 a moment.

11 (Brief Recess.)

12 MR. STECK: Back on the record.

13 BY MR. STECK:

14 Q. Mr. Slyer, I asked you about the Board
15 members. Did the superintendent of schools Dr.
16 Johnson attend these meetings?

17 A. Yes.

18 Q. And what was his position in these
19 discussions?

20 MR. SHAW: Object to the form. You
21 can answer.

22 A. Could you be more specific?

23 Q. Well, you had indicated I believe, if I

(John Slyer)

13

1 recall your testimony correctly -- and correct me if
2 I'm wrong -- that Dr. Johnson had been advocating for
3 him supervising Mr. Earl instead of Mr. Cioffi; is
4 that correct?

5 A. That is correct.

6 Q. And then later on when the lack of
7 leadership issue came up, what was Dr. Johnson's
8 position on that?

9 A. He was in agreement that there was a lack of
10 leadership.

11 Q. What did they specify concerning lack of
12 leadership?

13 MR. SHAW: Object to the form.

14 A. I guess the -- I'm trying to recall the
15 exact things, but one of the things was that he could
16 not get the football program under control.

17 Q. Okay. And what aspect of the football
18 program if any, according to him, were not under
19 control?

20 A. The supervision of the coaches and the
21 evaluation of the coaches.

22 Q. Was this opinion offered prior to the hazing
23 issue coming to the Board's attention?

(John Slyer)

14

1 A. Could that ask that question again.

2 Q. Okay. You had just testified that Dr.

3 Johnson felt Mr. Cioffi was having trouble controlling
4 the football program; is that correct?

5 A. Yes.

6 Q. Was Dr. Johnson offering that opinion to the
7 Board prior to the hazing incident coming to the
8 Board's attention?

9 A. Yes, I believe so.

10 Q. And after the hazing incident came to your
11 attention, what did Dr. Johnson tell the Board about
12 Mr. Cioffi's control or lack of control of the
13 football program?

14 A. I can't recall at this time the specifics of
15 that.

16 Q. What do you recall in sum and substance?

17 A. That he was in agreement that there was a
18 lack of leadership and that the athletic director Mr.
19 Cioffi did not appear to have the ability to control
20 what was going on in the football program.

21 Q. And did the Board members indicate whether
22 or not they shared that view?

23 A. Yes.

(John Slyer)

15

1 Q. And was it again the same group of Board
2 members, other than yourself and Mr. Bonesteel, that
3 indicated agreement with that view?

4 A. To the best of my knowledge, yes.

5 Q. Now when was there first discussion of the
6 possibility of eliminating Mr. Cioffi's position as
7 athletic director?

8 A. I guess the first time I recall anybody
9 saying anything to that extent was in probably June of
10 2001.

11 Q. Do you know who said it?

12 A. I think, yes, I believe I can recall who
13 said it.

14 Q. Who was that?

15 A. I believe it was Erin Loffredo.

16 Q. And did she give a reason at that time for
17 seeking that result?

18 A. Yes.

19 Q. What was the reason she gave?

20 A. She said that he was dead wood and that he
21 was costing us a great deal.

22 Q. Did she indicate what she meant by the
23 statement that he was dead wood?

(John Slyer)

16

1 A. I don't recall at this time.

2 Q. And when was the next time that you
3 recall -- well, strike that question. Was this at a
4 Board meeting or was this in a private conversation
5 with you?

6 MR. SHAW: Object to the form.

7 Q. Strike the question. Was this at a Board
8 meeting when she made this statement?

9 A. Yes.

10 Q. And when was the next time that you heard
11 discussion of the possibility of eliminating Mr.
12 Cioffi's position?

13 A. Late October.

14 Q. And who raised it at that time?

15 A. I believe it came from Erin Loffredo and Tom
16 McGreevy.

17 Q. What did they say?

18 A. I don't recall the specifics of their
19 dialogue, but they believed that we could move the
20 athletic program in a new direction if we had new
21 leadership.

22 Q. Did they say -- Did they give any other
23 reasons for seeking or for advocating for the

(John Slyer)

17

1 possibility of eliminating his position?

2 A. Not at that time.

3 Q. So I take it that there came a point in time
4 when they discussed the matter further; is that
5 correct?

6 A. Yes.

7 Q. And when was the next discussion after it
8 was mentioned in October?

9 A. It was sometime in November or early
10 December.

11 Q. And what did they say at that time?

12 A. The cause of the hazing incident was brought
13 up as an example of lack of leadership and a need to
14 change the position in some way.

15 Q. And did they continue to express that
16 opinion up until the time that the position was
17 actually eliminated?

18 A. I can't answer that question completely.

19 Q. What did they say between -- Well, when
20 approximately was that discussion that you just
21 mentioned?

22 A. It occurred at some point in November or
23 December.

(John Slyer)

18

1 Q. And then the position was eliminated at a
2 Board meeting I believe in late February; is that
3 correct?

4 A. That is correct.

5 Q. What happened in terms of Board discussion
6 of the possibility of eliminating Mr. Cioffi's
7 position between that meeting in November and December
8 and the elimination of the position in February?

9 A. There was some further discussion in
10 January, and I was not privy to all of the discussion
11 after that point.

12 Q. Were there Board meetings which you did not
13 attend?

14 A. Yes.

15 Q. How many?

16 A. I don't know. I wasn't there because I
17 wasn't informed of some of these meetings.

18 Q. How typically were Board members informed of
19 meetings?

20 A. Through our agendas and packets sent to us.

21 Q. So they sent you packets in the mail; is
22 that correct?

23 A. That is correct.

(John Slyer)

19

1 Q. Did they typically telephone you before
2 meetings or not?

3 A. No.

4 Q. Did there come a point in time where you
5 raised with any member of the Board the question
6 whether you were being intentionally excluded from
7 Board meetings?

8 A. Yes.

9 Q. When did that happen?

10 A. Well that happened in -- It happened
11 multiple times, starting formally, I would say, in
12 January or early February of 2002. I don't have the
13 dates.

14 Q. You are not expected to. It is not a memory
15 contest. Do you recall who you spoke to about that
16 issue?

17 A. I guess can you be more specific with that
18 question?

19 Q. Did you raise that question before a meeting
20 of the full Board, the issue of you being excluded
21 from Board meetings?

22 A. Oh, yes.

23 Q. What did you say?

(John Slyer)

20

1 A. I challenged them that it was improper for
2 them to exclude me from Executive Sessions and that I
3 would take the proper action and be part of those
4 Executive Sessions.

5 Q. Did they ever give you a reason, any members
6 of the Board give you a reason as to why you were
7 being excluded?

8 A. Initially they did give me some reason.

9 Q. What was the reason?

10 A. They initially claimed they wanted to have a
11 meeting to discuss me.

12 Q. Okay. And did they indicate what they
13 wanted to discuss about you?

14 A. Not initially.

15 Q. Did there come a time when they indicated
16 what they wanted to discuss about you?

17 A. Not specific, ever.

18 Q. Did they ever say in sum and substance what
19 they wanted to discuss about you?

20 A. I guess -- yes.

21 Q. What was that?

22 A. It appeared that some of them were looking
23 to try and have me removed from the school Board.

(John Slyer)

21

1 Q. Did they ever indicate to you what grounds
2 they had for doing so?

3 A. Yes.

4 Q. What were the grounds that they offered?

5 A. They claimed that I was acting outside of my
6 responsibilities as a Board member.

7 Q. In what respect?

8 A. In that I had tried to find out what was
9 going on with the athletic department and what was
10 going on with the hazing case.

11 Q. What did you do to try and find out what was
12 going on with the athletic department and the hazing
13 case?

14 A. I tried follow up on information that
15 committee members had provided me.

16 Q. What was the information?

17 A. That a young man had been tea-bagged, and
18 that was, you know. That was the point I was trying
19 to find out what was really going on.

20 Q. How did the question of tea-bagging first
21 come to your attention?

22 A. At some point in October at a Board meeting
23 it was brought to our attention that something had

(John Slyer)

22

1 happened.

2 Q. Did they tell you specifically at that time
3 that there was an allegation that tea-bagging had
4 occurred?

5 A. Initially, no.

6 Q. Did you find out in October that tea-bagging
7 had occurred?

8 A. Yes.

9 Q. How did you find out?

10 A. Information from committee members and other
11 information that did come later from the assistant
12 superintendent and superintendent.

13 Q. When did you find out, to the best of your
14 recollection, what the identity was of the person who
15 was tea-bagged?

16 A. Sometime in October.

17 Q. Did you find out it to be a person known as
18 Mitchum White?

19 A. Yes.

20 Q. Were you given the identity of that person
21 at the Board meeting?

22 THE WITNESS: Can I stop for one
23 second?

(John Slyer)

23

1 MR. STECK: Sure.

2 THE WITNESS: I don't want to put
3 this kid's name out there.

4 MR. STECK: It is already out
5 there.

6 MS. BOURASSA: Mitchum's name is
7 out there.

8 THE WITNESS: I know. But I just
9 don't want to be the responsible party.

10 MS. BOURASSA: You are not.

11 MR. STECK: You are not.

12 THE WITNESS: Can you restate the
13 question?

14 BY MR. STECK:

15 Q. Was the identity of the person Mitchum
16 White?

17 A. Yes.

18 Q. Was anything said at a Board meeting
19 concerning whether parents should be told about the
20 incident of tea-bagging?

21 A. Yes.

22 Q. What was said?

23 A. I insisted that the parents should be

(John Slyer)

24

1 notified immediately.

2 Q. What was said in response?

3 A. What was said is that our attorneys are
4 advising us.

5 MS. BOURASSA: Objection. I am
6 going to direct the witness not to disclose
7 legal advice provided by the counsel for the
8 District. The privilege belongs to the
9 District and the Board of Education as a
10 whole, and not to Mr. Slyer.

11 MR. STECK: Yes. We understand
12 that.

13 BY MR. STECK:

14 Q. Apart from relating any advice of counsel.

15 THE WITNESS: I am a little
16 confused about what just went on.

17 MR. SHAW: You don't have to worry
18 about it.

19 MR. STECK: But I think we do, the
20 lawyers in the case. He doesn't. But we
21 are going to rephrase the question.

22 BY MR. STECK:

23 Q. Mr. Slyer, without revealing any advice of

(John Slyer)

25

1 counsel that the Board may or may not have received,
2 were you told that you were not to reveal this to the
3 parents? Let's start with that.

4 A. Specifically I was not told.

5 Q. We will get to that.

6 A. Could you rephrase that question?

7 Q. Yes. Did the Board make a decision, either
8 formally or informally, as to how notification of the
9 parents would be handled?

10 A. No.

11 Q. So did the Board decide not to notify the
12 parents?

13 MR. SHAW: Objection to the form.

14 A. I guess the answer to that question is the
15 Board did not seem to be making any of the decisions
16 related to that matter at that time.

17 Q. Was the superintendent --

18 A. It didn't appear so at that time.

19 Q. Did your attorneys ever attend a Board
20 meeting at that time?

21 A. Yes.

22 Q. Were they giving you advice at the Board
23 meetings as to what you should do?

(John Slyer)

26

1 A. Yes.

2 MS. BOURASSA: When you say "at
3 that time," what time? October?

4 BY MR. STECK:

5 Q. We are talking about October when the
6 Mitchum White issue first came to a head, are you
7 thinking?

8 A. Yes.

9 Q. Was there discussion on the Board concerning
10 whether a victim had been identified or not?

11 A. Yes.

12 Q. And without talking about what attorneys
13 said, what was the discussion on the Board concerning
14 the identity of the victim?

15 A. Initially the identity of the victim was not
16 disclosed.

17 Q. Was it your understanding that they knew who
18 the victim was but they were just not disclosing it?

19 A. Yes.

20 Q. And from whom did you derive that
21 understanding?

22 A. I think -- I believe it was at this time the
23 assistant superintendent.

(John Slyer)

27

1 Q. Other than advice of counsel, did the
2 assistant superintendent give my reason why the
3 victim's name should not be disclosed to you?

4 A. No.

5 Q. Was there any discussion in October when
6 this question of the victim first came about as to the
7 possibility of notifying the New York State Police?

8 A. Restate that question. I'm sorry.

9 Q. When the identity of the victim was being
10 discussed, was there any discussion on the Board
11 concerning whether or not to notify the New York State
12 Police?

13 A. Yes.

14 Q. And, again, without saying anything as to
15 the advice of attorneys, what was said by Board
16 members concerning whether or not to notify the New
17 York State Police?

18 A. That's such a big question. Can you be more
19 specific with that question?

20 Q. I will do as good as I can. Remember, I
21 don't know what happened. When was the first time
22 that you recall someone making a suggestion that
23 perhaps the New York State Police should be notified?

(John Slyer)

28

1 A. It was in October.

2 Q. Who made the suggestion?

3 A. I did.

4 Q. And what prompted you to make that
5 suggestion?

6 A. The facts that were presented to me.

7 Q. Did either Mr. Cioffi or Mrs. Noonan tell
8 you that they thought the New York State Police should
9 be notified?

10 MR. SHAW: Are you talking about
11 at this time?

12 Q. In October?

13 A. At that time, when I brought it up, I had no
14 contact with them.

15 Q. What did you say about the New York State
16 Police at the Board meeting?

17 A. I said that we should contact the State
18 Police -- New York State Police and have them assess
19 the legitimacy of this claim rather than doing an
20 internal investigation ourselves and that we weren't
21 experts.

22 Q. Other than relating what attorneys may have
23 said, what was the response to your suggestion?

(John Slyer)

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1 A. The response was that they were going to
2 follow -- they were going to continue on the same path
3 they were making. They were not necessarily going to
4 notify. At least this is the initial conversation.
5 It progressed throughout October.

6 Q. How did the conversation concerning the
7 issue of the State Police progress over time?

8 A. Well, at one of the -- As I recall at this
9 time at one of the Executive Sessions I insisted that
10 we at least contact the New York State Police to have
11 them informed of the report, and that --

12 Q. Whose report?

13 A. The report. The young man's report of the
14 hazing. And there was a lot of resistance to it. I
15 insisted. I said we really have to. The Board
16 president was not present at that meeting, as I
17 recall. The rest of the Board went with it.

18 Q. Agreed with you?

19 A. Agreed to contact the authorities. And one
20 of the things that I asked for in the assurance was
21 that we get some information back by that following
22 Friday, which we did not.

23 Q. Is it your understanding that the Board

(John Slyer)

30

1 president intervened in that time?

2 A. Yes, it is.

3 Q. And what happened?

4 A. He directed the superintendent not to call.

5 Q. Had the Board taken a formal vote to call
6 the New York State Police?

7 A. I interpreted the vote that was taken in
8 Executive Session as a formal vote.

9 Q. When you say "interpreted," exactly what
10 happened? Was there a show of hands?

11 A. Uh-huh.

12 Q. "Yes?"

13 A. "Yes."

14 Q. So it is your testimony in essence that Mr.
15 McGreevy intervened subsequent to that vote and
16 stopped a vote of the Board -- stopped what the Board
17 had authorized from taking place; is that correct?

18 A. Yes.

19 Q. How would you describe -- strike that. Was
20 there a difference in the degree of interaction that
21 you had as a Board member with the superintendent and
22 the degree of interaction which Mr. McGreevy had with
23 the superintendent as a Board member?

(John Slyer)

31

1 A. Yes.

2 Q. How would you describe that difference?

3 A. Mr. McGreevy had frequent meetings with the
4 superintendent on a regular basis without other Board
5 members present.

6 Q. Were there any other --

7 A. Possibly there were other Board members
8 present; I don't know.

9 Q. Never with you present?

10 A. Not that I recall.

11 Q. Are you aware of any other Board members who
12 attended meetings with the superintendent together
13 with Mr. McGreevy?

14 A. Yes.

15 Q. Who?

16 A. Erin Loffredo.

17 Q. Anyone else?

18 A. Depending at what time you are speaking. If
19 we're speaking in October and before that point I
20 don't know have any others, but it is possible.

21 Q. Were you, as a member of the Board, ever
22 told whether or not you should have contact with Mr.
23 Cioffi or Mrs. Noonan?

(John Slyer)

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1 A. Initially when I took office, no.

2 Q. Did there come a time when that occurred?

3 A. Yes.

4 Q. When did that happen?

5 A. I believe it was at some point in November
6 2001.

7 Q. What were you told about contact with Mr.
8 Cioffi or Mrs. Noonan?

9 A. That I was not allowed to speak to them
10 regarding any matters related to the school district.

11 Q. Who told you that?

12 A. The Board president and superintendent.

13 Q. Let's go back to -- We have jumped around a
14 little bit. We are going to go back over some of the
15 details as we move on, but let's go back now to the
16 New York State Police involvement. And you had
17 previously testified the Board had voted to involve
18 the State Police in some fashion and that Mr. McGreevy
19 had put a stop to that. How did Mr. McGreevy's
20 intervention come to your attention?

21 A. I believe I received an e-mail in response
22 to my questioning what is going on.

23 Q. Who did you write an e-mail to?

(John Slyer)

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1 A. I believe it was either the superintendent
2 or Mr. McGreevy himself. I can't recall. It may be
3 carboned to both of them. I can't recall.

4 Q. Did you bring with you any copies of any
5 e-mails?

6 A. No. _____

7 Q. Do you still have e-mails?

8 A. I don't know if I have those e-mails any
9 longer. I don't think I was --

10 MR. SHAW: Wait for a question.

11 Q. Have you been asked my counsel or by anyone
12 at the school district to produce any e-mails in
13 connection with this lawsuit?

14 A. At some point I believe I was.

15 Q. And have you done so?

16 A. I have not. I haven't found them and I
17 haven't had time to find them.

18 Q. So you sent an e-mail and you received a
19 response: right?

20 A. I believe I did. The question -- it
21 partially may have been a phone call. Some of that
22 contact right there. I'm just questioning my own
23 memory. It was either an e-mail or phone call.

(John Slyer)

34

1 Q. Whatever it was, you did receive a response
2 to your request to know what was going on?

3 A. Yes.

4 Q. Who responded?

5 A. Mr. McGreevy initially.

6 Q. What did he tell you?

7 A. That they were not going to contact -- at
8 least at that time.

9 Q. The New York State Police?

10 A. Yes.

11 Q. Now did you speak to the superintendent
12 about the issue?

13 A. Yes.

14 Q. What did he tell you?

15 A. He told me that he was doing what he was
16 told.

17 Q. What he was told by whom?

18 A. By Mr. McGreevy.

19 Q. Now --

20 A. And maybe others, but ...

21 Q. Did there come a time when the State Police
22 were contacted?

23 A. Yes.

(John Slyer)

35

1 Q. Why don't you describe what you were told
2 concerning the involvement of the State Police?

3 A. We met again for an emergency Executive
4 Session.

5 Q. Do you know the timeframe?

6 A. A week after that initial decision. And it
7 was at that time that I told the Board that it was --
8 that we really had a legal responsibility to do so.

9 Q. That was based on your experience as a
10 teacher?

11 A. Yes. And my experience in training as a
12 School Board Member through --

13 Q. Through New York School Board Association?

14 A. Association, and literature that I read.

15 Q. And was your suggestion ultimately adopted?

16 A. Yes.

17 Q. Was it adopted at that meeting?

18 A. I believe so.

19 Q. What was your understanding of what the
20 District was going to ask the State Police to do?

21 A. I believe that they were going to contact
22 the State Police and give them the information about
23 what had transpired.

(John Slyer)

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1 Q. Including who the victim was?

2 A. Yes. And they were going to give us what --
3 you know, they would get feedback from the State
4 Police.

5 Q. Did there come a time when you heard from
6 the State Police?

7 A. Yes.

8 Q. And did the State Police appear at a Board
9 meeting?

10 A. Yes.

11 Q. Was that Senior Investigator Komar?

12 A. Yes.

13 Q. And Investigator Kylie?

14 A. Yes.

15 Q. What did they tell the Board?

16 A. I believe they told them to stop their
17 investigation and that the police were going to begin
18 an investigation.

19 Q. What did the Board say in response?

20 A. Accepted it, as far as I can recall.

21 Q. Did the State Police ever make a report to
22 the Board concerning the results of their
23 investigation?

(John Slyer)

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1 A. I don't recall at this time.

2 Q. Did there come a time when faculty members
3 of the District were arrested in connection with the
4 hazing investigation?

5 A. Yes.

6 Q. Was that discussed at a Board meeting?

7 A. Yes.

8 Q. What was discussed about those arrests?

9 A. I don't recall the details of the
10 discussions, except the fact that the State Police
11 were going in that direction. And I didn't get any
12 other information other than what the facts were from
13 the State Police.

14 Q. Did the Board discuss the possibility of any
15 school initiated disciplinary action against the
16 teachers involved?

17 A. No, not that I recall.

18 Q. Was there any discussion of Mr. Earl's
19 responsibility for the hazing situation on the Board?

20 A. Yes.

21 Q. When do you recall the question of Mr. Earl
22 first being raised concerning hazing?

23 A. At some point in October.

(John Slyer)

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1 Q. What was said about Mr. Earl?

2 A. He was the one who was responsible for
3 supervision of his staff, and ultimately that was what
4 I think everyone was in agreement with.

5 Q. Was there ever any discussion concerning the
6 Board as to whether -- well, did it come to your
7 attention at some point in time that Mr. Cioffi had
8 recommended that Mr. Earl not be re-appointed as
9 football coach?

10 A. Yes.

11 Q. Did that come to your attention while you
12 were on the Board in the summer of 2001?

13 A. Yes.

14 Q. And did Dr. Johnson say that he had not
15 accepted Mr. Cioffi's recommendation?

16 A. I believe so, yes.

17 Q. There were a variety of allegations that had
18 been made concerning certain activities that Mr. Earl
19 had engaged in that were improper; is that correct?

20 A. Yes.

21 Q. Was there ever any discussion on the Board
22 of the relationship between the alleged improper
23 activities of Coach Earl and the hazing incident?

(John Slyer)

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1 A. Could you restate that?

2 Q. Okay. Was there ever any discussion on the
3 Board concerning whether the various alleged improper
4 activities of Mr. Earl led in any way to an
5 environment that created where hazing could occur in
6 the football locker room?

7 A. Yes.

8 Q. Who raised the issue?

9 A. A number of people did.

10 Q. What did they say?

11 A. People were concerned that the environment
12 was cult-like, and that the idea that everything that
13 is said in the football program stays only in the
14 football program. That was one of the big concerns
15 that people were worried about.

16 Q. Who were the people that raised that issue?

17 A. Assistant superintendent, superintendent,
18 and Board members.

19 Q. Including yourself?

20 A. Oh, yeah. Yeah.

21 Q. Were there other Board members who raised
22 that issue?

23 A. Yes.

(John Slyer)

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1 Q. Do you recall who they were?

2 A. Yes.

3 Q. And who were they?

4 A. At least I recall hearing that from Erin
5 Loffredo at one point.

6 Q. When did you first hear the phrase
7 "cult-like" in reference to the football team?

8 A. I don't recall the specific time that I
9 heard that, but it was before October. It was -- I
10 think it was maybe even in September at some point.

11 Q. Did you hear that from coaches or from Mr.
12 Cioffi at that time? When you first heard it, what
13 was the source of it when you first heard it?

14 A. It was in Executive Session.

15 Q. Used that phrase?

16 A. Yes.

17 Q. Another member of the Board?

18 A. It may have been another member of the Board
19 or the administration. I can't recall exactly
20 offhand.

21 MR. STECK: Do you want to take
22 a five-minute break?

23 THE WITNESS: Yes.

(John Slyer)

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1 (Brief Recess.)

2 BY MR. STECK:

3 Q. Were the school district's attorneys ever
4 given a role by the Board of investigating the hazing
5 incident?

6 A. Yes.

7 Q. And what role were they given?

8 A. I believe they questioned witnesses.

9 Q. And did they report to the Board concerning
10 what they had found?

11 A. I believe in some form, yes. I don't recall
12 the details of it.

13 Q. Do you recall what they said to the Board
14 concerning their investigation of the hazing?

15 MS. BOURASSA: Objection. I am
16 going to object to that questions that call
17 for the witness to tell what the attorneys
18 advised the Board if anything about the
19 hazing investigation.

20 MR. STECK: The hazing investiga-
21 tion and the facts investigated by counsel
22 are not privileged. There is a whole line
23 of case law that says so. And that is the

(John Slyer)

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1 road I am going down.

2 MS. BOURASSA: You are going
3 down --

4 MR. STECK: Factual investigation
5 by the attorneys. That is different from
6 legal advice.

7 MS. BOURASSA: Yes, it is.

8 MR. STECK: That is what I'm asking
9 him about.

10 MR. SHAW: You are just asking then
11 what factually was conveyed, not anything
12 about legal conclusions, advice, impressions
13 or anything like that.

14 MR. STECK: That is correct. All I
15 am asking about is the report of what their
16 factual findings were to the Board.

17 MR. SHAW: If you can recall.

18 A. I recall some factual information being
19 reported.

20 Q. What factual information was that?

21 A. That a tea-bagging incident had occurred,
22 and that was -- I guess that's the information that
23 had occurred, and that was a fact.

(John Slyer)

43

1 Q. Did you have any understanding -- Well, do
2 you remember at what point in time that was reported
3 to the Board? Was that in October?

4 A. I believe it was October. At some point in
5 October, later October.

6 Q. Now in October did you have any under-
7 standing as to whether Mr. Cioffi had played any role
8 in the hazing investigation?

9 A. Yes.

10 Q. What was your understanding in October?

11 A. That he had reported it to the assistant
12 superintendent and the superintendent what information
13 he had. That's what I understood.

14 Q. In October did you have any understanding
15 that in fact Mr. Cioffi had met with any witnesses or
16 victims of the hazing?

17 A. I don't know if it was October, but at some
18 point I believe he had met with a witness and the
19 assistant superintendent. I believe that's what
20 happened. And I was there, but I believe that is
21 what was reported.

22 Q. Was it your understanding that there were
23 any legal obstacles to reporting -- Well, prior to